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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA,)

10 Petitioner,)

NO.

11 v.)

12 EXPERIAN INFORMATION)
SOLUTIONS, INC.)

PETITION TO ENFORCE
U.S. DEPARTMENT OF HOUSING
& URBAN DEVELOPMENT
SUBPOENA

13 Respondent.)
14

15 The United States of America, on behalf of its agency, the U.S. Department of
16 Housing & Urban Development (“HUD”), by the undersigned Assistant United States
17 Attorney, avers to this Court as follows:

18 1. This is a proceeding brought pursuant to the provisions of Sections 811(a)
19 and 814(c) of the Fair Housing Act, as amended, 42 U.S.C. §§ 3611(a) and 3614(c), to
20 judicially enforce a HUD subpoena.

21 2. Judith A. Keeler is Director of HUD’s Office of Fair Housing and Equal
22 Opportunity HUB for the Northwest/Alaska Area and is authorized to issue a HUD
23 subpoena pursuant to the authority contained in Section 811(a) of the Fair Housing Act,
24 42 U.S.C. § 3611(a), 24 C.F.R. § 103.215(b), and 68 Fed. Reg. 45846, 45847 (July 25,
25 2003). David F. Morado is the Regional Counsel for Region X within HUD and is
26 authorized to approve subpoenas pursuant to the authority contained in 24 C.F.R. §
27 103.215(b) and 67 Fed. Reg. 44234 (June 3, 2002).
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1 3. The respondent, Experian Information Solutions, Inc., transacts business in
2 Seattle and Tacoma, Washington, and has a registered agent, C.T. Corporation System,
3 located at 520 Pike Street, Seattle, Washington, 98101. Therefore, Experian Information
4 Solutions, Inc. is within the jurisdiction of this Court.

5 4. HUB Director Keeler has been conducting an investigation into an alleged
6 breach of a conciliation agreement by Washington Mutual Bank, FA, as set forth in the
7 Declaration of Director Keeler attached hereto and incorporated herein as Exhibit 1.

8 5. The respondent is in possession and control of documents, forms, credit
9 information and reports, notes, written correspondence, and other data which are relevant
10 to the above-described investigation.

11 6. On August 10, 2004, HUB Director Keeler issued a HUD subpoena
12 directing the respondent to appear in the offices of the Seattle Fair Housing HUB on
13 August 31, 2004, at 10:00 a.m. to produce, make available, and permit the copying of the
14 documents requested in the subpoena. The subpoena is attached hereto and incorporated
15 herein as Exhibit 2.

16 7. On August 12, 2004, ABC Legal Services, Inc. served a copy of the
17 subpoena on the respondent by leaving it at the office of the Registered Agent of
18 Experian Information Solutions, Inc., with K.C. Gariepy, a secretary of the Registered
19 Agent. The Declaration of Service of Subpoena to Produce Documents is attached hereto
20 and incorporated herein as Exhibit 3.

21 8. On August 18, 2004, respondent replied via a letter, attached hereto as
22 Exhibit 4, to the subpoena stating that the Fair Credit Reporting Act prevents the
23 respondent from complying with the subpoena unless the respondent is responding to an
24 order of a court that is signed by a judge, 15 U.S.C. § 1681b(a)(1). The respondent wrote,
25 "We will respond immediately to a subpoena signed by a judge or magistrate." The
26 respondent's letter is attached hereto and incorporated herein as Exhibit 4.

27 9. On August 31, 2004, the respondent did not appear in response to the
28 subpoena.

1 10. The respondent's refusal to comply with the subpoena continues to date as
2 set forth in the Declaration of HUB Director Keeler, attached hereto as Exhibit 1.

3 11. The documents, forms, credit information and reports, notes, written
4 correspondence, and other data sought by the subpoena are not already in the possession
5 of HUD.

6 12. All administrative steps required by the Fair Housing Act for the issuance
7 of a subpoena have been taken.

8 13. It is necessary to obtain the documents, forms, credit information and
9 reports, notes, written correspondence, and other data sought by the subpoena in order to
10 properly investigate the alleged breach of the conciliation agreement, as evidenced by the
11 Declaration of Director Keeler, attached hereto as Exhibit 1.

12 14. The respondent does not object to this Petition to Enforce the U.S.
13 Department of Housing & Urban Development Subpoena as supported by Exhibit 4 and
14 Exhibit 5.

15 WHEREFORE, the petitioner respectfully prays:

16 1. That the Court enter an order directing the respondent to obey the
17 aforementioned subpoena and each and every requirement thereof by ordering the
18 production of a copy of all of the documents, forms, credit information and reports, notes,
19 written correspondence, and other data as are required and called for by the terms of the
20 subpoena before Kristin B. Johnson, Assistant United States Attorney, at such time and
21 place as may be fixed by Kristin B. Johnson, Assistant United States Attorney.

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2. That the Court grant such other and further relief as is just and proper.

DATED this 18th day of February, 2005.

Respectfully submitted,

JOHN McKAY
United States Attorney

s/ Kristin B. Johnson
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